



RCE/176

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# Request For Continued Examination (RCE) Transmittal

Address to:  
Commissioner for Patents  
Box RCE  
Washington, DC 20231

Application Number	09/840,859
Filing Date	April 24, 2001
First Named Inventor	Adam G. Malofsky
Art Unit	1771
Examiner Name	Zirker, Daniel R.
Attorney Docket Number	7962801/502

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**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114**

a. ☒ Previously submitted

i. ☒ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on March 14, 2003  
(Any unentered amendment(s) referred to above will be entered).

ii. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_

iii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

i. ☒ Amendment/Reply

ii. ☐ Affidavit(s)/ Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other \_\_\_\_\_

3. **Fees**

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.  
The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a. ☐ Deposit Account No. \_\_\_\_\_

i. ☐ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other \_\_\_\_\_

b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

c. ☒ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

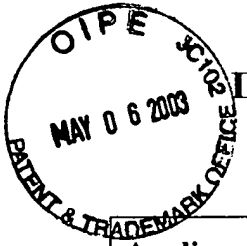
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Name (Print/Type)	Edward K. Welch II	Registration No. (Attorney/Agent)	30899
Signature		Date	4/30/2003

CERTIFICATE OF MAILING OR TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.			
Name (Print/Type)	Edward K. Welch II		
Signature		Date	4/30/2003

Page 1 of 2

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Box RCE, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



## IN THE UNITED STATES PATENT &amp; TRADEMARK OFFICE

<b>Applicant:</b>	Adam G. Malofsky et. al.		
<b>Serial No.:</b>	09/840,859	<b>Group Art Unit:</b>	1771
<b>Filed:</b>	April 24, 2001	<b>Examiner:</b>	Zirker, Daniel R.
<b>For:</b>	FASTENING DEVICE		

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Assistant Commissioner for Patents  
Box AF  
Washington, DC 20231

**SUPPLEMENTAL AMENDMENT AND RESPONSE  
AFTER FINAL REJECTION (37 CFR 1.116)**

Dear Sir:

In response to the Advisory Action dated April 1, 2003 (paper No. 14) relating to the above-identified pending patent application, please enter the following amendment and remarks. This Supplemental Amendment and Response is being filed concurrently with a Request for Continued Examination (RCE). Though Applicants continue to believe the finality of the last formal rejection was inappropriate and untimely, Applicants also acknowledge that costs and time dictate in favor of the RCE process rather than an Appeal.

**(REMAINDER OF PAGE INTENTIONALLY LEFT BLANK)**